

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MARGARITO T. LOPEZ individually and as successor in interest to Margarito E. Lopez, Deceased; SONIA TORRES, KENI LOPEZ, and ROSY LOPEZ, individually,

Plaintiffs,

vs.

CITY OF LOS ANGELES; JOSE ZAVALA; JULIO QUINTANILLA; and DOES 1-10, inclusive,

Defendants.

Case No.: 2:22-cv-07534-FLA-MAAx
Hon. Judge Fernando L. Aenlle-Rocha,
Hon. Mag. Maria A. Audero,

**[PROPOSED] ORDER GRANTING
THE PARTIES' JOINT
STIPULATION JOINT
STIPULATION REGARDING
MOTION FOR SUMMARY
JUDGMENT AND/OR
AJUDICATION AND PLAINTIFFS'
CLAIMS**

FPTC: May 31, 2024
Trial: July 16, 2024

1 HAVING REVIEWED THE PARTIES' JOINT STIPULATION, and Good Cause
2 having been shown, IT IS HEREBY ORDERED as follows:

- 3 1. No defendant will file any pretrial dispositive motion, including any
4 Motion for Summary Judgment or Summary Adjudication, on any of
5 Plaintiffs' claims, as alleged in the operative Complaint (Doc. 1);
- 6 2. Plaintiffs' Second Claim for Relief, for Denial of Medical Care under the
7 Fourth Amendment, pursuant to 42 U.S.C. Section 1983 is hereby
8 dismissed as to all Defendants;
- 9 3. Plaintiffs' Fourth Claim for Relief, the deprivation of Substantive Due
10 Process by a Deliberate Indifference to Serious Medical Needs, pursuant
11 to 42 U.S.C. Section 1983 is hereby dismissed as to all Defendants;
- 12 4. Plaintiffs' Fifth Claim for Relief, Municipal Liability for Ratification
13 under *Monell* and pursuant to 42 U.S.C. Section 1983 is hereby dismissed
14 as to all Defendants (City of Los Angeles and unnamed Does);
- 15 5. Plaintiffs' Sixth Claim for Relief, Municipal Liability for Failure to Train
16 under *Monell* and pursuant to 42 U.S.C. Section 1983 is hereby dismissed
17 as alleged against Defendant City of Los Angeles;
- 18 6. Plaintiffs' Seventh Claim for Relief, Municipal Liability for
19 Unconstitutional Practice, Policy, or Custom, under *Monell* and pursuant
20 to 42 U.S.C. Section 1983 is hereby dismissed as alleged against
21 Defendants City of Los Angeles and unnamed Does;
- 22 7. The Doe Defendants (Does 1-10) are hereby dismissed, but no other
23 Defendants are dismissed;
- 24 8. Plaintiffs shall proceed on the following claims: (1) Negligence
25 (Wrongful Death/Survival, Plaintiff Margarito T. Lopez only), against
26 Julio Quintanilla and Jose Zavala directly, and against the City of Los
27 Angeles on a theory of vicarious liability pursuant to California

1 Government Code Section 815.2(a); (2) Battery (Wrongful
2 Death/Survival, Plaintiff Margarito T. Lopez only), against Julio
3 Quintanilla and Jose Zavala directly, and against the City of Los Angeles
4 on a theory of vicarious liability pursuant to California Government Code
5 Section 815.2(a); (3) Negligent Infliction of Emotional Distress (All
6 Plaintiffs) against Julio Quintanilla and directly Jose Zavala, and against
7 the City of Los Angeles on a theory of vicarious liability pursuant to
8 California Government Code Section 815.2(a); (4) Violation of the Bane
9 Act (Cal. Civil Code Section 52.1; Plaintiff Margarito T. Lopez only),
10 against Julio Quintanilla and Jose Zavala directly, and against the City of
11 Los Angeles on a theory of vicarious liability pursuant to California
12 Government Code Section 815.2(a); (5) Excessive Force, pursuant to 42
13 U.S.C. Section 1983 and the Fourth Amendment (Plaintiff Margarito T.
14 Lopez only) against Julio Quintanilla and Jose Zavala; (6) Interference
15 with Familial Relationship, Substantive Due Process, pursuant to 42
16 U.S.C. Section 1983 and the Fourteenth Amendment (Plaintiff Margarito
17 T. Lopez only) against Julio Quintanilla and Jose Zavala. None of the
18 remaining claims are alleged under a theory of direct liability against
19 Defendant City of Los Angeles, but rather under a theory of vicarious
20 liability for Defendants Julio Quintanilla and Jose Zavala as their
21 employer at the time of the incident. The Parties agree that Julio
22 Quintanilla and Jose Zavala were working in the course and scope of
23 their employment and under the color of law with the City of Los
24 Angeles at the time of the incident.

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27 IT IS SO ORDERED

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2 DATED: UNITED STATES DISTRICT COURT
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6 HON. FERNANDO L. AENLLE-ROCHA
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